IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT(L) NO.2396 OF 2004

Madhu Satish Tandon. ..Plaintiff.

V/s.

M/s Satish Tandon Productions,

M/s Devgan Entertainment &

Software Ltd. ..Defendants.

Mrs. Achala Saxena,Advocate for plaintiff.

Mr. M.D.Kamble i/b A.M.Sangi, Advocate for defendant No.1.

Mr. Kishor Jain, Advocate for defendant No.2.

CORAM: V.M.KANADE,J

DATE : 1st September, 2004

P.C.:-

1. Heard the learned Counsel appearing on behalf of the plaintiff and the learned Counsel appearing on behalf of the defendant No. 2.

2. The plaintiff has filed suit seeking stay of the order dated 25/6/2004 restraining the defendant no.2 from selling articles shown in Exh. 'C' by way

of auction and for ad-interim relief seeking stay of the auction. The plaintiff is the wife of defendant No.1. There was dispute between the defendant No.1 and 2 and the matter was referred to arbitration. The Arbitral Tribunal made an award on 20th February, 2002. The Award was served on defendant No.2. Thereafter, warrant of attachment was issued in respect of movable and immovable property. The defendant No.1 who is the husband of the plaintiff filed an arbitration petition in this Court. Further Chamber Summons was taken out in the said Arbitration proceeding seeking protection against further execution of the award. Both the Arbitration Petition as well as Chamber summons has been dismissed. Thereafter, Writ Petition was filed challenging the award and seeking interim stay on execution of award. No interim relief was granted. The defendant No.1 made an application before the Commissioner taking account as well as before the Sheriff of Bombay taking objection to the sale of the movable and immovable property. The Writ Petition filed by the defendant for setting aside the exparte award also has been dismissed. Thereafter, the present suit has been filed by the wife of the defendant No.1. The defendant No.1 husband has claimed the very same articles which are claimed by the plaintiff wife and his application

was rejected.

3. No case is made out for grant of ad-interim relief. Ad-interim relief is refused. Motion returnable after 8 weeks.

(V.M.KANADE,J)